

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

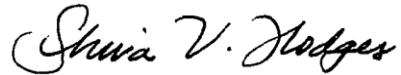
Anthony D. Sanders,)	C/A No.: 1:11-1348-MGL-SVH
)	
Petitioner,)	
)	
vs.)	
)	
Warden FCI Edgefield,)	ORDER
)	
Respondent.)	
)	
_____)	

Petitioner, proceeding *pro se*, filed this petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter comes before the court upon Petitioner's second motion seeking discovery [Entry #33]. Respondent filed a response. [Entry #35]. Pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), all pretrial proceedings have been referred to the undersigned.

Petitioner seeks discovery based on his allegations that the United States Parole Commission has miscalculated or otherwise misapplied the 1987 D.C. Board of Parole's guidelines. In habeas corpus cases, leave of court is required for the parties to conduct discovery. *See* Rules Governing § 2254 Cases, Rule 6(a). Any party requesting discovery in a habeas corpus action must provide reasons for the request. Rules Governing § 2254 Cases, Rule 6(b). The Supreme Court has held that "the 'broad discovery provisions' of the Federal Rules of Civil Procedure do not apply in habeas proceedings." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997) (citing to *Harris v. Nelson*, 394 U.S. 286 (1969)). Petitioner must set forth specific allegations "show[ing] reason to believe that the

petitioner may, if the facts are fully developed, be able to demonstrate that he is entitled to relief.” *Id.* at 908–909. Petitioner has once again failed to provide information about the specific discovery he seeks and how obtaining said discovery would entitle him to relief. The arguments that Petitioner makes for discovery are, and have been, more properly presented by way of argument in his opposition to summary judgment. Therefore, the motion for discovery is denied.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Shiva V. Hodges". The signature is written in a cursive, flowing style.

August 6, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge